

SENATE No. 1602

The Commonwealth of Massachusetts

PRESENTED BY:

Gale D. Candaras

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying bill:

An Act relative to a law student loan repayment assistance program.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Gale D. Candaras	First Hampden and Hampshire
Mary E. Grant	6th Essex
Bruce E. Tarr	First Essex and Middlesex
Denise Provost	27th Middlesex

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE SENATE, NO. S00823 OF 2007-2008.]

The Commonwealth of Massachusetts

In the Year Two Thousand and Nine

AN ACT RELATIVE TO A LAW STUDENT LOAN REPAYMENT ASSISTANCE PROGRAM.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. There is hereby established a law student loan repayment assistance
2 program to be administered by the loan repayment management committee.

3 SECTION 2. The purpose of the law student loan repayment assistance program is to
4 eliminate the inequities in our legal system that disproportionately impact the poor and other
5 persons who cannot afford competent legal assistance by: (a) helping to remove the economic
6 barriers that confront public interest attorneys; and (b) encouraging the dedication of professional
7 life to the development of a more just and compassionate society.

8 SECTION 3. (a) An applicant for assistance under this program must be a graduate of an
9 accredited law school in this commonwealth, and must, at the time of graduation, have incurred a
10 substantial debt because of expenses related to undergraduate and law school education.

11 (b) Applicants for assistance under this program shall derive their income from “qualified
12 employment,” which means full-time employment in law-related public interest work.

(c) An applicant is engaged in “full-time employment” if such applicant works or plans to work at least 40 hours per week, excluding vacation and sick leave days.

(d) An applicant’s work is “law-related” if, on a daily basis, it utilizes the knowledge, legal skills, and ethical standards acquired at an accredited law school in the commonwealth.

(e) An applicant is engaged in “public interest work” if such applicant works:

(i) for an organization that qualifies for tax exemption under Section 501© of the United States Internal Revenue Code;

(ii) for a private employer, including self-employment, expending at least 755 per cent of work time providing legal services on a pro bono, reduced, or court-awarded fee basis to persons or organizations that could not otherwise secure comparable legal services; or

(iii) for an agency of the federal, state, or local government, excluding judicial clerkships.

SECTION 4. In granting assistance under this program, the management committee shall not take into account the political or ideological views or purposes of the applicant’s employer. The committee shall not grant any assistance under this program to an applicant who works for an employer that discriminates based on race, color, sex, religion, national origin, sexual orientation, marital status, age, disability, or veteran status.

SECTION 5. There is hereby established a loan repayment management committee to administer the law student loan repayment assistance program. Said committee shall consist of one representative from each accredited law school in the commonwealth appointed by such law school, and two persons appointed by the governor. Each members of the committee shall serve

a two year term, which is renewable by the respective appointing authority. Said committee shall have the power to:

Promulgate such policies, rules and regulations for the administration of the program that area not inconsistent with this act, including the determination of income and employment eligibility for applicants; apply for tax exempt status; raise funds to support the program; require repayment of any grant if the recipient fails to comply with the terms of any such assistance; and engage in any other activity that directly benefits the program and is necessary for its implementation.

In the administration of this program, the management committee shall ensure that assistance is granted in an equitable and proportionate manner to applicants from each accredited law school in the commonwealth.

In granting assistance under this program, the committee shall not award, in any one year, a sum to any applicant that exceeds 20 per cent of such applicant's total educational indebtedness. An applicant may reapply annually for additional assistance.

SECTION 6. For the purpose of this act, an "accredited law school" shall mean a law school in the commonwealth that is accredited by the American Bar Association and the Massachusetts state board of higher education.

SECTION 7. For each fiscal year, there is hereby authorized to be appropriated \$2,000,000 and such additional sums as the general court deems appropriate. Any funds not expended by the management committee in any fiscal year shall be carried over to the next fiscal year or returned to the commonwealth at the discretion of the management committee.

53 The management committee may engage in private fundraising to supplement the funds
54 appropriated by the general court for this program. The accredited law schools in the
55 commonwealth shall, at their expense, furnish sufficient personnel and facilities to administer
56 this program.